



Appeal Decision

Site visit made on 4 July 2022

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

Appeal Ref: APP/X5990/Z/21/3289705

Burberry Ltd, 21-23 New Bond Street, LONDON, W1S 2RE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Burberry against the decision of City of Westminster Council.
 - The application Ref 21/07389/ADV, dated 22 October 2021, was refused by notice dated 1 December 2021.
 - The advertisement proposed is display of two non-illuminated adverts on the building wrap measuring 14.89m x 30.46m on the New Bond Street frontage and 14.89m x 29.06m on the Conduit Street frontage for a temporary period from the 1 January 2022 until 1 July 2023.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made on behalf of the appellant. This is the subject of a separate decision.

Preliminary Matters

3. The Council has drawn my attention to Development Plan policies it considers relevant to this appeal, and I have taken them into account where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance (PPG) reiterate this approach.
4. The Council has no objection to the proposal on the grounds of public safety. From the evidence before me, and from my observations, I have no reason to disagree with the Council on these matters.
5. The appeal property lies within the Mayfair Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
6. 153 to 157 New Bond Street is a Grade II* listed building and this lies on the opposite side the road from the appeal site. The advertisement regulations² state that factors relevant to amenity include the general characteristics of the

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

² See Regulation 3(2)(a)

locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Main Issues

7. Accordingly, the main issue for the appeal is the effect of the proposal on the amenity of the area, and in particular, whether the proposed advertisement would preserve or enhance the character or appearance of the Mayfair Conservation Area and preserve the historic interest of 153 to 157 New Bond Street.

Reasons

8. New Bond Street is a busy city centre location. At street level the varied shopfronts, street furniture and assorted banners and flags provides a vibrant retail environment in keeping with the commercial character of the area. In contrast with the frontages at ground level, the upper floors of the buildings are typically devoid of commercial trappings, and the range of building styles in evidence provides a more muted backdrop to the activity below.
9. The appeal property is an 8-storey building located on the corner of New Bond Street and Conduit Street, both busy thoroughfares within a commercial area. The corner location of the building renders it prominent in sustained views from the south-west along Bruton Street and on the approach from the north-west along New Bond Street. In these views, due to the regular fenestration and uncluttered appearance of the upper floors, it sits comfortably as part of the wider street scene.
10. The Time and Life Building opposite is a Grade II* listed building. The significance of the asset is largely derived from its history and architectural interest, particularly the integrated sculpture above the entrance on New Bond Street. As with the appeal building, the uncluttered neo-classical facades of the upper floors form a quiet backdrop to the more active frontages below.
11. The appeal property is currently undergoing renovation. The application proposes to use a building wrap for the display of 2 non-illuminated advertisements which would span almost 5 storeys of the building from third floor level upwards, obscuring all of the upper section of the building. Due to the size of the advertisements, the height at which they would be displayed and the prominence of the site, they would be highly visible in views along New Bond St, Conduit Street and Bruton Street. In these views the advertisements would appear as overly large and discordant features which would appear overly-prominent. By extending beyond the established commercial frontage they would appear as incongruous features in the otherwise relatively restrained street scene. This would cause significant harm to the amenity of the area.
12. I take into account that the advertisements would be displayed for only a temporary period and that advertisements have been granted approval for other sites in the wider area. However, having regard to the scale of the advertisement and the prominence of the site I am not convinced that a similar treatment would not lead to unacceptable harm to visual amenity in this case. In any event, I have determined this appeal on its own merits based on the site-specific circumstances of the case.

13. I note the appellant's comments with regard to the potential visual impact of a building shroud instead of the proposed advertisement. I noted on site that a building shroud was already in place on site and that this did not appear out of place, or give rise to significant visual harm. These matters do not therefore alter my conclusions in relation to visual amenity above.
14. It follows that the proposal would thereby fail to preserve or enhance the character and appearance of the Mayfair Conservation Area. Furthermore, although the proposal would not impede an appreciation of the Henry Moore sculptures which form an important aspect of the significance of the Time and Life Building, insofar as the proposal would erode the character of the area it would also cause visual harm to the setting of the adjoining listed building.
15. Consequently, taking all the above into consideration, I conclude that the proposal would result in unacceptable harm to the visual amenity of the area. It would be contrary to guidance on advertisements within the Framework and the aims of Policies 38, 39 and 43(G) of the City of Westminster City Plan 2019-2040 which, although not decisive collectively seek to ensure proposals do not harm the character of the area.

Conclusion

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Anne Jordan

INSPECTOR